

HOUSE BILL NO. 144

INTRODUCED BY M. NOENNIG

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE GOVERNMENT BROADCASTING SERVICE TO PROVIDE GAVEL-TO-GAVEL COVERAGE OF LEGISLATIVE AND ADMINISTRATIVE PROCEEDINGS; CREATING A STATE GOVERNMENT BROADCASTING ACCOUNT; INCREASING THE LOBBYIST LICENSE FEE AND USING THE FEE INCREASE TO SUPPORT THE BROADCASTING SERVICE; AUTHORIZING A GENERAL FUND LOAN; PROVIDING AN APPROPRIATION TO THE LEGISLATIVE SERVICES DIVISION; AMENDING ~~SECTION~~ SECTIONS 5-7-103 AND 5-11-112, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the citizens of Montana have an inherent right to watch their government at work; and
WHEREAS, public education about the Legislature and its processes is a vital public policy goal that is enhanced by the gavel-to-gavel broadcasting of legislative proceedings; and

WHEREAS, the experience of other states demonstrates that consistent, unedited broadcast coverage mitigates self-serving conduct and elevates the quality of debate among legislators and in related representative bodies; and

WHEREAS, the transparency and accountability of the Legislature and other state government agencies and officials to Montana citizens are increased by unedited, noncommercial public affairs programming; and

WHEREAS, video and related communications technologies provide an accurate and accessible record of legislative activities; and

WHEREAS, the statewide distribution of broadcast services can both alleviate the difficulties of direct participation in the legislative process caused by geographic distance and contribute to economic development initiatives in rural areas of Montana; and

WHEREAS, it is in the public interest to maximize the cost-effectiveness of a state government broadcasting service by including coverage of Legislative, Executive, and Judicial Branch activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1

2 **NEW SECTION.** **Section 1. Legislative findings and purpose.** The legislature finds and declares
3 that:

4 (1) the purpose of a state-funded public affairs broadcasting program is to provide Montana
5 citizens with increased access to unbiased information about state government deliberations and public
6 policy events through unedited television coverage and other communications technologies; and

7 (2) the most efficient and effective means of establishing a state-funded public affairs
8 broadcasting program is to assign the enabling responsibilities to the legislative council and require the
9 division to contract with a qualified operator through a competitive bidding process.

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11 **NEW SECTION.** **Section 2. Definitions.** As used in [sections 1 through 3 4], unless the context
12 requires otherwise, the following definitions apply:

13 (1) "Broadcasting" means any application of communication technologies to deliver live or delayed
14 programming to a viewing audience, including but not limited to over-the-air television broadcasts, cable
15 television, and the streaming of compressed audio or video signals over the internet.

16 (2) "Division" means the legislative services division provided for in 5-11-111.

17 (3) "Gavel-to-gavel coverage" means that any camera that is used to capture and transmit
18 legislative or administrative proceedings is activated when the presiding officer of a floor session or
19 committee calls the meeting to order and is deactivated on adjournment.

20 (4) "Operator" means a private, nonprofit organization exempt from taxation under section 501(c)
21 of the Internal Revenue Code.

22

23 **NEW SECTION.** **Section 3. State government broadcasting -- structure and governance.** (1) There
24 is a state government broadcasting service administered by the division. The division shall:

25 (a) develop and issue a request for proposals for the provision of gavel-to-gavel coverage of
26 legislative and administrative proceedings as well as other public affairs programming that is approved by
27 the legislative council;

28 (b) evaluate proposals and, on the basis of selection criteria established by the division, execute
29 a contract for services with the most qualified operator; and

30 (c) cooperate with executive branch and judicial branch officials to facilitate broadcast coverage

1 of state government activities and events that are pertinent to the purpose set forth in [section 1].

2 (2) The legislative council shall assist the division in exercising oversight of the contract with the
3 operator to ensure that broadcasts conform with the following principles of good conduct:

4 (a) Programming must be fair, accurate, and balanced without regard to partisanship or ideology.

5 (b) Programming must be scheduled in a manner that acknowledges the importance of timeliness
6 in the delivery of information.

7 (c) Issue coverage and the scheduling of broadcasts must reflect a thoughtful balance of subject
8 areas, geographic sensitivities, and attention to the various committees and other deliberative bodies
9 engaged in the legislative process.

10 (d) Programming must always be intended to increase public understanding of both the substantive
11 issues and the processes by which the legislature and other bodies seek to resolve problems, address
12 challenges, and seize opportunities for the public good.

13 (e) Programming must reflect the importance of each branch of government.

14 (f) Production values must be of the highest attainable quality to accurately convey the genuine
15 pace and tenor of governmental activity.

16 (g) Camera angles, shot selection, graphic subtitling, and other aspects of broadcast style and
17 audiovisual content must be subject to guidance and monitoring by the division to ensure impartiality and
18 respect for the decorum of the legislature and other governmental institutions.

19 (3) The division is responsible for ensuring that the audio components of the broadcasting service
20 are maintained in good working order.

21 (4) Operations and maintenance of the cameras, cabling, wiring, electronics, recording equipment,
22 and associated computer technology in the capitol and the adjacent broadcast production facility are the
23 responsibility of the operator that the division selects, as provided in subsection (1)(b). However, the
24 division and the department of administration shall cooperate with the operator to ensure broadcast system
25 reliability.

26 (5) The operator and the division shall develop and implement a plan to provide the maximum
27 attainable distribution of broadcasts, and the contract between the operator and the division may require
28 the operator to enter into agreements with one or more Montana public television organizations,
29 telecommunications firms, nonprofit organizations, or state telecommunications networks.

30

1 NEW SECTION. SECTION 4. STATE GOVERNMENT BROADCASTING ACCOUNT. (1) THERE IS A STATE
2 GOVERNMENT BROADCASTING ACCOUNT IN THE STATE SPECIAL REVENUE FUND PROVIDED FOR IN 17-2-102.

3 (2) THERE MUST BE DEPOSITED IN THE ACCOUNT:

4 (A) THE PORTION OF THE LOBBYIST LICENSE FEE PROVIDED FOR IN 5-7-103(4)(B);

5 (B) ANY GIFT, DONATION, GRANT, LEGACY, BEQUEST, OR DEVISE MADE FOR THE PURPOSES OF [SECTIONS 1
6 THROUGH 4];

7 (C) INTEREST OR OTHER INCOME EARNED ON THE MONEY IN THE ACCOUNT.

8 (3) MONEY IN THE ACCOUNT IS AVAILABLE TO THE DIVISION BY APPROPRIATION AND MUST BE USED FOR THE
9 DEVELOPMENT, OPERATION, AND MAINTENANCE OF A STATE GOVERNMENT BROADCASTING SERVICE AS PROVIDED FOR IN
10 [SECTIONS 1 THROUGH 4].

11
12 SECTION 5. SECTION 5-7-103, MCA, IS AMENDED TO READ:

13 **"5-7-103. Licenses -- fees -- eligibility -- waiver.** (1) Any adult of good moral character who is
14 otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a
15 license application form. The application form may be obtained from and must be filed in the office of the
16 commissioner. Upon approval of the application and receipt of the license fee by the commissioner, a
17 license must be issued that entitles the licensee to practice lobbying on behalf of one or more enumerated
18 principals. The license fee is ~~\$50~~ \$150 for each lobbyist. Each license expires on December 31 of each
19 even-numbered year or may be terminated at the request of the lobbyist. A lobbyist who believes that
20 payment of the license fee may constitute a hardship may apply to the commissioner for a waiver of the
21 fee required by this section. The commissioner may waive all or a portion of the license fee upon proof
22 by the lobbyist that payment of the fee constitutes a hardship.

23 (2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without
24 affording the applicant a hearing. The hearing must be held and the decision entered within 10 days of the
25 date of the filing of the application.

26 (b) An application may not be approved if a principal has failed to file reports required under
27 5-7-208.

28 (3) The fines ~~and license fees~~ collected under this chapter must be deposited in the state treasury.

29 (4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

30 (a) \$50 in the general fund; and

1 (b) \$100 in the state special revenue account provided for in [section 4].

2 ~~(4)~~(5) The commissioner may adopt rules to implement the waiver provisions of subsection (1)."

3
4 **Section 6.** Section 5-11-112, MCA, is amended to read:

5 **"5-11-112. Functional organization and responsibilities.** (1) The legislative council may establish
6 a functional organization within the legislative services division in order to effectively and efficiently carry
7 out all of the responsibilities delegated to the division by law or legislative rule. The responsibilities of the
8 legislative services division include the following:

9 (a) document services:

10 (i) bill drafting and preparation for introduction;

11 (ii) engrossing and enrolling;

12 (iii) distribution of legislative bills and information;

13 (iv) coordination of legislative printing; and

14 (v) publication of legislative records;

15 (b) research and reference services:

16 (i) general and specialized legislative research; and

17 (ii) legislative reference and information;

18 (c) legal services:

19 (i) legal review of draft bills;

20 (ii) legal counseling on legislative matters;

21 (iii) legal support for consolidated entities; and

22 (iv) support for the functions of the code commissioner provided in 1-11-201;

23 (d) committee services:

24 (i) research, legal, and administrative staff support for consolidated committees as assigned,
25 including support for interim committees organized under Title 5, chapter 5, part 2; and

26 (ii) research and legal support for legislative standing and select committees;

27 (e) broadcasting services, in accordance with [sections 1 through 3 4];

28 ~~(e)~~(f) management and business services:

29 (i) financial records;

30 (ii) claims and payrolls;

(iii) coordination of procurement of printing, supplies, and equipment; and

(iv) maintenance of property inventories;

~~(f)(g)~~ personnel and administrative services:

(i) rules for classification and pay; and

(ii) personnel and administrative policies; and

~~(g)(h)~~ information technology services:

(i) legislative branch network support services;

(ii) application support and development;

(iii) communications support and coordination; and

(iv) information technology planning.

(2) The responsibilities of the legislative services division must be fulfilled collaboratively with consolidated entities whenever the efficient operation of the legislative branch is served."

NEW SECTION. SECTION 7. GENERAL FUND LOAN. (1) THE DEPARTMENT OF ADMINISTRATION SHALL AUTHORIZE A LOAN OF \$60,000 FROM THE GENERAL FUND TO THE LEGISLATIVE SERVICES DIVISION TO ADMINISTER THE STATE GOVERNMENT BROADCASTING SERVICE PROVIDED FOR IN [SECTIONS 1 THROUGH 4].

(2) THE DIVISION SHALL REPAY THE LOAN ON OR BEFORE JUNE 30, 2003, FROM THE STATE GOVERNMENT BROADCASTING ACCOUNT UNDER TERMS AND CONDITIONS DETERMINED BY THE DEPARTMENT.

NEW SECTION. Section 8. Appropriation. There is appropriated from the ~~general fund~~ STATE GOVERNMENT BROADCASTING ACCOUNT to the legislative services division ~~\$1.3 million \$260,000~~ UP TO \$1.3 MILLION FOR THE BIENNium ENDING JUNE 30, 2003, TO ENABLE THE DIVISION TO SEEK AND EXPEND GRANTS, GIFTS, DONATIONS, AND IN-KIND CONTRIBUTIONS FROM PRIVATE AND PUBLIC SOURCES for the purpose of:

(1) procuring the equipment and related services to enable the broadcasting of interim committee meetings, session committee meetings, floor sessions, public hearings, and other activities of state government during the 2001 through 2003 biennium; and

(2) executing a contract with a qualified operator to plan, manage, and implement broadcasting services in accordance with the general purpose set forth in [section 1].

NEW SECTION. Section 9. Codification instruction. [Sections 1 through ~~3~~ 4] are intended to be

1 codified as an integral part of Title 5, chapter 11, and the provisions of Title 5, chapter 11, apply to
2 [sections 1 through 3 4].

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4 NEW SECTION. **Section 10. Effective date.** [This act] is effective July 1, 2001.

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